

NOSB ITEM FOR PUBLIC COMMENT

The National Organic Standards Board (NOSB) is seeking public comment on recommendations regarding “Livestock–Dairy Scenarios Draft” until June 30, 2003. With respect to receipt of comments by the NOSB during the comment period, the following provisions have been established to ensure that your comment has the greatest probability of being received and reviewed by the Board:

- **Mail:** Persons may submit comments on listed Board recommendations by mail to: The National Organic Standards Board; c/o Robert Pooler; Room 4008 - South Building; 1400 and Independence Avenue, SW; Washington, D.C. 20250-0001.
- **E-mail:** Comments may be sent via internet to respective Board committees by submitting an E-mail to Board committee E-mail accounts provided with each recommendation.
- **Fax:** Comments may be submitted by fax to (202) 205-7808.

Clearly indicate if you are for or against the Board recommendation or some part of it and why. Include recommended wording changes as appropriate. Include a copy of articles or other references that support your comments. Only relevant material should be submitted.

Organic Dairy Herd Conversion Scenarios - Draft 1 NOSB Livestock Committee May 11, 2003

I. Introduction

The NOP regulation allows dairy operations to convert to organic production by feeding at least 80% organic feed or feed raised from land included in an organic system plan for 9 months, followed by 100% (certified) organic feed for the final 3 months, prior to the production and sale of organic milk. There are a number of different situations and strategies used by farmers and certifying agents to comply with this requirement. There is a need to provide examples to help farmers and certifying agents understand their options to demonstrate compliance. This document contains various scenarios for compliant conversion. The NOSB Livestock Committee recommends that the scenarios be posted to the NOP website for clarification and guidance purposes.

II. Background

A. Rule citation:

§ 205.236 Origin of livestock.

(2) Dairy animals. Milk or milk products must be from animals that have been under continuous organic management beginning no later than 1 year prior to the production of the milk or milk products that are to be sold, labeled, or represented as organic, Except, That, when an entire, distinct herd is converted to organic production, the producer may:

- (i) For the first 9 months of the year, provide a minimum of 80-percent feed that is either organic or raised from land included in the organic system plan and managed in compliance with organic crop requirements; and
- (ii) provide feed in compliance with § 205.237 for the final 3 months.

B. Factors to consider

1. Land cannot be certified organic before 36 months after the last application of a prohibited material.
2. Feed grown during the 36 month transition period “raised from land included in the organic system plan and managed in compliance with organic crop requirements” can be used as part of the 80% ration for the first 9 months, but cannot be considered “organic” feed, and therefore cannot be counted as part of the 100% organic ration during the final 3 months of conversion of the dairy herd.
3. Given the above, the minimum time to certify a dairy farm as organic is 36 months for the land plus 3 months of 100% organic feed for the dairy animals, if all of the feed is being grown on the farm.
4. Due to the nature of production, dairy farms need to be able to apply for certification at any time, 365 days a year.
5. Many producers do not transition their entire operation (feed and animals) simultaneously and will therefore have transitional crops or products to deal with.
6. A producer can purchase certified organic feed, thereby “jump-starting” the date of compliance for the dairy herd.
7. The scenarios below all assume that producers have acceptable documentation. This is not always the case in real life.

III. Recommendation

The NOSB Livestock Committee recommends that the following scenarios be posted to the NOP website for clarification and guidance purposes:

1. A dairy producer farms organically, but has never sought certification. Fields and animals have not been treated with prohibited materials in over 5 years. Documentation is in place to verify compliance.
 - A) If the operator applies for certification in the middle of the growing season, the operation could be certified with only one inspection. The operation would be able to sell organic milk 3 months after certification was issued.
 - B) If the operator lives in a northern climate, and applies for certification in the winter when snow covers the ground and crops have already been harvested, the dairy cows could be certified, provided that they were fed 100% purchased certified organic feed for 3 months. The operation could sell organic milk 3 months after feeding 100% (purchased) certified organic feed. Land would have to be inspected the following spring, when crops are growing and compliance can be demonstrated, pursuant to §205.403(b)(2). The operator would need to continue feeding purchased organic feed until certification of the land was issued, at which time farm-raised organic feed could be used in the ration.
2. A conventional dairy farmer wakes up one day and decides to convert to organic. After the second year of organic management he begins to feed his herd transitional forage from his farm and buy organic grain. At the end of the third year (36 months from last application of a prohibited material) he feeds newly certified organic forage from his farm and certified organic grain. 90 days later the milk can be sold as certified organic.
3. A dairy farmer decides to go into organic dairying in 2001. She transitions all her fields starting in 2001, and is inspected in May 2003. The last application of any prohibited material was June 30, 2000 (only on the corn fields). By July 1, 2003, all fields qualify for organic certification.
 - A) Both cows and fields are inspected in May 2003. The cows have been fed farm-raised transitional

hay and corn/grain crops only. Due to some unresolved issues, certification is delayed slightly. When issues are resolved, certification is granted on August 15, 2003. The farm can begin selling organic milk on Nov. 16, 2003.

B) If the farmer had purchased certified organic grain and hay for the last 90 days, comprising 100% of the ration beginning May 15, 2003, and certification was issued on August 15, then the farm could have begun selling organic milk on August 16, 2003.

4. A dairy farmer decides to buy a certified organic dairy herd (75 cows). He buys certified organic grain ration and hay until his own hay, corn silage, and oats are available. His land was certified the previous year by another certifying agent. He sold the organic soybeans and corn from last year's harvest. The pastures and hay fields remain certified, although he has switched certifying agents, because the previous agent did not certify livestock operations. He is inspected 1 week after buying the herd and would like to start selling organic milk in 4 weeks, as soon as certification is issued. Even thoughm the land was certified the previous year and the farmer purchased certified organic cows, he must wait until the dairy operation is certified before selling organic milk, since livestock was not covered under the previous Organic System Plan.
5. A dairy farmer transitions her crops during 2001, 2002, and 2003. During July, 2003, she is inspected. Crops are certified September 1, 2003. The dairy herd is inspected in January, 2004. Cows are being fed farm-raised certified organic hay and grain. The farm can begin selling organic milk on February 5, 2004, when certification of the dairy herd is issued.
6. A dairy farmer buys certified organic grain ration for 3 months, starting June 1, 2003. He rotationally grazes and harvests his own hay. The farm is inspected on May 1, 2003, and certified on June 1, 2003. The farmer fed his own certifiable hay the previous fall and winter and has documentation to verify this. A conventional grain ration (18% of the total ration) was fed until June 1, 2003. The dairy cows are certifiable September 2, 2003, and the farmer can start selling organic milk on that date.

IV. Committee vote – To be determined.

V. Minority opinion – To be determined.

VI. Conclusion

The NOSB Livestock Committee recommends that the scenarios presented above be posted to the NOP website for clarification and guidance purposes, in order to help farmers and certifying agents understand options to demonstrate compliance with the dairy herd conversion provisions in the NOP regulation.